



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, MARCH 9, 2004

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Reverend Jacob Colbert of the St. Paul Christian Methodist Church

Pledge of Allegiance to the Flag

Presentation of a Public Recognition Award to Mario Herrera - Councilmember Sterling

SPCA Pet of the Month - Acting President Perea

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of February 24, 2004

Action Taken:

Approve Fresno Recreational Financing Facilities Authority minutes February 24, 2004

(Members Castillo, Perea and Duncan only)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. **RESOLUTION** - Authorizing an application to the California Integrated Waste Management Board for a Local Government Waste Tire Clean-up Grant, and authorizing the Planning and Development Department Director to sign on behalf of the City - Planning and Development Department

Action Taken:

B. **RESOLUTION** - Approving the Final Map of Tract No. 5170 and accepting dedicated public uses therein; and authorize the Public Utilities Director, Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Department

Action Taken:

C. * Award a contract to Tron Construction, Inc. of Fresno for Fresno Yosemite International Airport Sound Mitigation Acoustical Remedy Treatment (SMART) Program Phase VII, Bid group #12, (94Homes) - General Services Dept./Airports Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. * Award a requirements contract to Union Metal Corporation of Canton, Ohio, for traffic signal poles and streetlight poles - General Services Dept./Public Works Department
Action Taken:
- E. * **RESOLUTION** - Approve application for and acceptance of grant award for \$252,800 from the State Office of Emergency Services (OES), through the County of Fresno, and authorize the Fire Chief to complete all documents - Fire Dept.
Action Taken:
1. * **RESOLUTION** - 69th amendment to AAR No. 2003-209 appropriating \$252,800 to the Fire Department for the State Homeland Security Grant Program (SHSGP) from the State Office of Emergency Services (OES) **(Requires 5 affirmative votes)**
Action Taken:
- F. Resolution of Intention to vacate portions of Washington Avenue, Howard Street and the Thesta-Howard alley (R.I. No. 1033-D) - Public Works Dept.
Action Taken:
- G. * Approve the purchase of an easement and right-of-way for street widening purposes for the widening project proposed at First Street and Tulare Street - Public Works Dept.
Action Taken:
- H. * **RESOLUTION** - 70th amendment to AAR No. 2003-209 appropriating \$95,000 to the Phase I downtown bike lanes project on Divisadero Street between Maddy Drive and H Streets, and on H Street, Divisadero Street to Palm Avenue **(Requires 5 affirmative votes)** - Public Works Dept.
Action Taken:
- I. **RESOLUTION** - Authorizing the City Manager and Public Works Director to sign a Contribution Agreement with the State of California - Public Works Dept.
Action Taken:
- J. * **RESOLUTION** - 63rd amendment to AAR No. 2003-209 appropriating funds received from the Redevelopment Agency (RDA) to the Public Works Construction Management Special Revenue Fund in the amount of \$200,000 **(Requires 5 affirmative votes)** - Public Works Dept.
Action Taken:
- K. * **RESOLUTION** - 10th amendment to Salary Resolution No. 2003-213 amending Section 10, Paragraphs B(1)(c), B(1)(e) & B(1)(f), amending the maximum hours of annual leave accumulation for non-represented management employees; amending Section 19, Paragraph B to increase the maximum hours of vacation accrual for non-represented management employees; and adding Section 11.5 outlining supplemental sick leave for non-represented management employees in lieu of a salary increase during FY 2004 - Personnel Department
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- L. **RESOLUTION** - Authorizing application for and acceptance of grant funding under the Caltrans Safe Routes to Schools Program and authorizing execution of program documents - Public Works Dept.
Action Taken:
- M. * **BILL (For introduction)** - Amending Sections 904(b), 9-909, 9-911 and 9-912 of the Fresno Municipal Code relating to the enforcement and cost recovery provisions of the Management of Real Property Ordinance - Planning and Development Department
Action Taken:
- N. * **BILL (For introduction)** - Amending Sections 7-504(a), 7-509(a), and (b), 7-512(f) and 7-515(e) of the Fresno Municipal Code regarding references to the Gambling Control Act, under the City of Fresno's cardroom ordinance - City Attorney's Office
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

- 9:45 A.M. **HEARING** to receive the report and recommendations of the City of Fresno's Blue Ribbon Commission on improvement of historic preservation policies, procedures, and practices relating to historic preservation - Planning and Development Dept.
Action Taken:
- 10:00 AM#1 **HEARING** to consider Rezone Application No. R-03-47, and environmental findings, filed by Harbour & Associates on behalf of Patriot Homes and McKinley Ventures LLC for property located on the south side of W. McKinley Avenue between N. Cornelia Avenue and N. Polk Avenue - **(Property located in District 1)** - Planning and Development Dept.
Action Taken:
1. Consider and adopt Environmental Assessment No. T-5169,R-03-47,C-03-169, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 2. **BILL** - Amending the Official Zone Map to rezone the site from Fresno County R-R (*Rural Residential*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:
- 10:00 AM#2 **HEARING** regarding Community Facilities District No. 2, Annexation No. 63, Final Tract Map No. 5173
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 63 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 63, Final Tract Map No. 5173
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 10:05 A.M. HEARING** relating to Community Facilities District No. 2, Annexation No. 64, Final Tract Map No. 5148
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 64 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 64, Final Tract Map No. 5148
Action Taken:
- 10:10 A.M. HEARING** relating to Community Facilities District No. 2, Annexation No. 65, Final Tract Map No. 5127
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 65 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 65, Final Tract Map No. 5127
Action Taken:
- 10:15 A.M. HEARING** relating to Community Facilities District No. 2, Annexation No. 66, Final Tract Map No. 5206
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 66 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d.* **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 66, Final Tract Map No. 5206
Action Taken:
- 10:20 A.M. HEARING** to consider Rezone Application No. R-03-74, and environmental findings, filed by Mario Valmonte, pertaining to 0.73 acres located on the east side of N. Peach Avenue between E. Nevada and E. Tulare Avenues - **(Property located in District 5)** - Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-03-74, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No.10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the site **from** R-A (*Single Family Residential-Agricultural*) zone district **to** the R-1 (*Single Family Residential*) zone district
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:30 A.M.#1 HEARING to consider Rezone Application No. R-03-75, and environmental findings, filed by Tim Hodges, pertaining to 0.49 acres located on the north side of E. Webster Avenue between N. Fresno and N. Thesta Streets **(Property located in District 7)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No.R-03-75, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the site **from** C-P (*Administrative and Professional Office*) zone district **to** the R-2 (*Low Density Multiple Family Residential*) zone district

Action Taken:

10:30 A.M.#2 HEARING relating to the proposed ordinance amending the text of the Fresno Municipal Code regarding size of bookstores - Planning and Development Dept.

Action Taken:

- A. * **BILL NO. B-13 - (Intro. 2/24/2004)** - Amending the text of the Fresno Municipal Code, adding“Bookstore, not to exceed 2,000 square feet of floor area,” to the C-P (*Administrative and Professional Office*) zone district subject to a conditional use permit

Action Taken:

10:45 A.M. HEARING to consider Plan Amendment Application No. A-02-20, Rezone Application No. R-02-34, and environmental findings, filed by Tejinder S. Randhawa and Tushar M. Patel, pertaining to two adjacent vacant parcels of land, 0.55 acre in size, located on the northwest corner of E. Kings Canyon Road and S. Adler Avenue between S. Peach and S. Willow Avenues **(Property located in District 5)**

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-02-20/R-02-34/S-03-366

Action Taken:

- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Roosevelt Community Plan

Action Taken:

- c. **BILL** - Amending the Official Zone Map to rezone the property **from** R-2 (*Low Density Multiple Family Residential*) zone district **to** the C-P (*Administrative and Professional Office*) zone district for both parcels

Action Taken:

11:00 A.M. HEARING to consider Rezone Application No. R-03-48, and environmental findings, filed by Granville Homes and Kenneth J. Elia, on behalf of Douglas Poochigian, for the development of approximately 20.2 acres located on the west side of S. Fowler Avenue between E. Church Avenue and E. California Avenue alignment **(Property located in Council 5)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No.R-03-48/T-5228/C-03-250, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from the AE-5/UGM (*Exclusive Five-Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:15 A.M. HEARING to consider Rezone Application No. R-03-67, and environmental findings, filed by Gerald Weil, for approximately a 1.0 acre site located at 7579 N. Cedar Avenue on the west side of N. Cedar Avenue between E. Alluvial and E. Cromwell Avenues (***Property located in District 6***) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-03-67, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to modify certain conditions of zoning that were placed on the property through Rezone Application No. R-91-21. The zone district will remain R-P/UGM/cz (*Residential and Professional Office District/Urban Growth Management/conditions of zoning*) zone district

Action Taken:

11:30 A.M. HEARING to consider Rezone Application No. R-03-63, and environmental findings, filed by David Valenzuela, pertaining to a 0.32 acre site comprised of two parcels of land located along the north side of the W. Herndon Avenue frontage road, east of N. Maroa Avenue (380 W. Herndon Avenue) (***Property located in District 2***) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-03-63, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from the R-1/EA (*Single Family Residential/Expressway Area Overlay*) zone district to the C-6/EA/cz (*Heavy Commercial/Expressway Area Overlay/with conditions of zoning*) zone district

Action Taken:

2:00 PM #1 **CONTESTED CONSENT ITEMS**

2:00 PM #2 Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003 - Finance Department

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:15 PM #1 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Linda Taylor v. City of Fresno, et al.

2. **Case Name:** Terry Davis v. City of Fresno, et al.

Action Taken:

2:15 PM #2 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:00 P.M. **WORKSHOP** to provide Council with information regarding the Fresno City Employees Health & Welfare Trust - Personnel Dept. - **Meeting Room "A" - 2165N**

3:30 P.M. Approval of Memorandum of Understanding (MOU) for government channel and status report on cable franchise negotiations - Finance Department **Council Chambers**
Action Taken:

3:45 P.M. **JOINT SESSION WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of February 24, 2004

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

A. Consider approval of the Annual Report of the Redevelopment Agency of the City of Fresno for Fiscal Year 2002-2003 **(Council action)**

Action Taken:

ADJOURN AGENCY

2. GENERAL ADMINISTRATION

A. **RESOLUTION** - Appointing Councilmember representatives (3 plus 1 alternate) to Fresno City-County Community and Convention Center Authority and Fresno Convention Center Improvement Authority - Finance Department

Action Taken:

3. CITY COUNCIL

A. **RESOLUTION** - Establishing a code of conduct for Councilmembers

Action Taken:

B. **RESOLUTION** - Providing continuation of payment of City's portion of health and welfare premiums for employees with dependents while employees are serving in active duty in Operation Enduring Freedom - Councilmembers Duncan and Dages

Action Taken:

C. **RESOLUTION** - **Accepting an application process and set** of cornerstones for the City's Community Investment Grant program (Social Services funding) from the Human Relations Commission - Acting President Perea and Councilmember Sterling

Action Taken:

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.
Presentation limited to three (3) minutes.**

A. SCHEDULED PUBLIC COMMENT

B. UNSCHEDULED COMMUNICATION - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	16 -	8:30 A.M.	Presentation of Driver Appreciation Awards for the 3 rd and 4 th Quarter - Council President Castillo
Mar	16 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 67, Final Tract Map No. 5067
Mar	16 -	2:15 P.M.	WORKSHOP re: Neighborhood Infrastructure Master Plan - Public Works Dept.
Mar	16 -	3:15 P.M.	WORKSHOP re: Transportation Overview - Public Works Dept.
Mar.	23 -	NO MEETING - (May be held)	
Mar.	30 -	10:00 A.M.	HEARING - To adopt a resolution to vacate portions of Weldon, Glenn, and Calaveras Avenues - Public Works Dept.
Mar.	30 -	10:15 A.M.	HEARING re: Rezone Appl. No. R-03-73, filed by Ed Daniels
Mar.	30 -	10:30 A.M.	HEARING re: Rezone Appl. No. R-03-70, filed by Paul Stommel, for Percy and Crystal Williams
Mar.	30 -	10:35 A.M.	HEARING re: Rezone Appl. No. R-03-64, Plan Amendment No. 03-15, CUP No. 03-218, filed by Dirk Poeschel/Anthony Ciulla on behalf LeDestri Foods, Inc.
Mar.	30 -	10:45 A.M.	HEARING re: Rezone Appl. No. R-03-62, Plan Amendment No. A-03-13, filed by JCT Development II, LLC, the Asch Family, and Ashlan and Blythe Partners
Mar	30 -	11:00 A.M.	HEARING re: Plan Amendment Appl. No. A-03-06 and Rezone Appl. No. R-03-38 filed by Sherman Spradling of the Werfel Family Limited Partnership, pertaining to 5.15 acres located on the northeast corner of South Orange and East California Avenues
Mar.	30 -	2:15 P.M.	JOINT WORKSHOP re: Caltrans and City Partnership - Public Works and Planning and Dev. Depts.
Apr.	6 -	MEETING CANCELLED - EASTER WEEK	
Apr.	13 -	10:00 A.M.	HEARING re: vacation of Washington Avenue between Thesta Street and the Fresno-Howard Alley, Howard Street between McKenzie Avenue and Washington Avenue, and the Howard-Thesta Alley north of McKenzie Avenue (R.I. No. 1033-D)
Apr.	13 -	10:15 A.M.	HEARING re: vacation of a portion of the Broadway - "H" Alley between Amador and Sacramento Street, - R.I. No. 1034-D
Apr.	13 -	10:30 A.M.	HEARING re: Plan Amendment No. A-03-11, Rezone Appl. No. R-03-57, filed by John Allen
Apr.	13 -	2:15 P.M.	WORKSHOP re: Urban forest - Parks, Recreation and Community Services Dept. and Public Works Dept. - Meeting Room "A" - 2165N

SCHEDULED COUNCIL HEARINGS AND MATTERS

UPCOMING WORKSHOPS

Mar 9 - 3:00 P.M. WORKSHOP re: Medical plans and Health & Welfare Trust - Personnel Dept.
Mar 16 - 2:15 P.M. WORKSHOP re: Neighborhood Infrastructure Master Plan - Public Works Dept.
Mar 16 - 3:15 P.M. WORKSHOP re: Transportation Overview - Public Works Dept.
Mar. 30 - 2:15 P.M. JOINT WORKSHOP re: Caltrans and City Partnership - Public Works and Planning and Dev. Depts.

FUTURE WORKSHOP (*Date to be determined*)

WORKSHOP re: Consideration of additional services to be provided by Community Facilities Districts in the City of Fresno - Public Works Dept. - **Meeting Room "A" - 2165N**